

95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1545

Introduced 2/9/2007, by Sen. A. J. Wilhelmi

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-3

from Ch. 38, par. 1005-9-3

Amends the Unified Code of Corrections. Provides that a judgment order of forfeiture, order of restitution, or any installment thereof may be collected by any and all means authorized for the collection of money judgments. Provides that the State's Attorney of the county in which the judgment order of forfeiture or order of restitution was imposed may retain attorneys and private collection agents for the purpose of collecting any default in payment of any order of forfeiture, order of restitution, or installment thereof.

LRB095 10675 RLC 30906 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 5-9-3 as follows:

6 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)

7 Sec. 5-9-3. Default.

8 (a) An offender who defaults in the payment of a fine or
9 any installment of that fine may be held in contempt and
10 imprisoned for nonpayment. The court may issue a summons for
11 his appearance or a warrant of arrest.

12 (b) Unless the offender shows that his default was not due
13 to his intentional refusal to pay, or not due to a failure on
14 his part to make a good faith effort to pay, the court may
15 order the offender imprisoned for a term not to exceed 6 months
16 if the fine was for a felony, or 30 days if the fine was for a
17 misdemeanor, a petty offense or a business offense. Payment of
18 the fine at any time will entitle the offender to be released,
19 but imprisonment under this Section shall not satisfy the
20 payment of the fine.

21 (c) If it appears that the default in the payment of a fine
22 is not intentional under paragraph (b) of this Section, the
23 court may enter an order allowing the offender additional time

1 for payment, reducing the amount of the fine or of each
2 installment, or revoking the fine or the unpaid portion.

3 (d) When a fine is imposed on a corporation or
4 unincorporated organization or association, it is the duty of
5 the person or persons authorized to make disbursement of
6 assets, and their superiors, to pay the fine from assets of the
7 corporation or unincorporated organization or association. The
8 failure of such persons to do so shall render them subject to
9 proceedings under paragraphs (a) and (b) of this Section.

10 (e) A default in the payment of a fine, judgment order of
11 forfeiture, order of restitution, or any installment thereof
12 may be collected by any and all means authorized for the
13 collection of money judgments. The State's Attorney of the
14 county in which the fine, judgment order of forfeiture, or
15 order of restitution was imposed may retain attorneys and
16 private collection agents for the purpose of collecting any
17 default in payment of any fine, judgment order of forfeiture,
18 order of restitution, or installment thereof ~~of that fine~~. The
19 fees and costs incurred by the State's Attorney in any such
20 collection and the fees and charges of attorneys and private
21 collection agents retained by the State's Attorney for those
22 purposes shall be charged to the offender.

23 (Source: P.A. 93-693, eff. 1-1-05.)